

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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SEVENTY-FIRST DAY (CONTINUED) — TUESDAY, MAY 14, 2013

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 813).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Oliveira.

The speaker recognized Representative P. King who introduced Dave Roever, founder, Roever Foundation, Inc., Fort Worth, who offered the invocation as follows:

Heavenly Father, in the midst of this august body of lawmakers, we invoke your divine presence. Of the great lessons of mankind, may it be true that we recognize the futility of our efforts without your blessing. In the certain realization that the decisions made within this hallowed place will affect countless millions, I pray your guidance upon these law and policy makers by assuring these guidons: First and foremost, that we might please you, and secondly, that there might be compassion for those whom are represented in this place. Let us be forever reminded that by their selection as well as their

provision, the process moves forward for the greatest of all causes, that being liberty. May we forever recall that service to God and man is in and of itself the highest calling.

Thank you, Almighty God, that you have provided this great freedom, and in the most sincere and humble way we ask your divine providence and covering over those who are putting their lives at risk today and in harm's way who may lay down their lives for the continuation of that freedom.

Finally, O Lord, we ask that while your throne is described in Holy Script to be in heaven and also in the heart of mankind, we humbly invite you to keep a throne in the great State of Texas where you can enjoy so proud a heritage as we here all do. After all, Texas truly is God's country. Amen.

The speaker recognized Representative Kolkhorst who introduced Reverend Eddie Winkler, pastor, Sacred Heart Catholic Parish, Flatonia, who offered the invocation as follows:

We stand before you, Holy Spirit, conscious of our sinfulness, but aware that we gather in your presence. Ven, espíritu santo, quédate con nosotros ilumina nuestros corazones. Give us light and strength to know your will, to make it our own, and to live it in our lives. Guínos con tu sabiduría, apóyanos con tu fuerza, porque tu eres dios. Unite us to yourself in the bond of love and keep us faithful to all that is true.

You desire justice for all. Enable these representatives to uphold the rights of all and do not allow them to be misled by ignorance or corrupted by fear or favor. May they temper justice with love so that all their decisions may be pleasing to you and earn the reward promised to good and faithful servants. You live and reign forever and ever.

The speaker recognized Representative Kolkhorst who led the house in the pledges of allegiance to the United States and Texas flags.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

Oliveira on motion of Anchia.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Workman and by unanimous consent, the reading and referral of bills was postponed until just prior to final adjournment.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Howard who presented Dr. Georgeanne Freeman of Austin as the "Doctor for the Day."

The house welcomed Dr. Freeman and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Paddie in the chair)

**HR 1872 - PREVIOUSLY ADOPTED**  
**(by Strama)**

The chair laid out the following previously adopted resolution:

**HR 1872**, Welcoming to the State Capitol foreign ambassadors taking part in the U.S. State Department's Experience America program.

On motion of Representatives Anchia and Button, the names of all the members of the house were added to **HR 1872** as signers thereof.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**HR 1685 - PREVIOUSLY ADOPTED**  
**(by Giddings)**

The chair laid out the following previously adopted resolution:

**HR 1685**, Honoring Dr. John Ellis Price on his retirement as president of the University of North Texas at Dallas.

On motion of Representative Giddings, the names of all the members of the house were added to **HR 1685** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Giddings who introduced Dr. John Ellis Price, president of the University of North Texas at Dallas and representatives of the University of North Texas at Dallas.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 29).

**HR 1513 - PREVIOUSLY ADOPTED**  
**(by D. Miller)**

The chair laid out the following previously adopted resolution:

**HR 1513**, Honoring Jewel Preston Looney of New Braunfels for his service during World War II.

On motion of Representatives R. Miller and R. Sheffield, the names of all the members of the house were added to **HR 1513** as signers thereof.

**HR 2128 - ADOPTED**  
**(by Villarreal)**

Representative Villarreal moved to suspend all necessary rules to take up and consider at this time **HR 2128**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2128**, Congratulating Dr. Manuel Berriozabal on his selection as a Fellow of the American Mathematical Society.

**HR 2128** was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 2128** as signers thereof.

### INTRODUCTION OF GUEST

The chair recognized Representative Villarreal who introduced Dr. Manuel Berriozabal.

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

#### HR 2113 - ADOPTED

(by Moody, Pickett, Márquez, N. Gonzalez, and M. González)

Representative Moody moved to suspend all necessary rules to take up and consider at this time **HR 2113**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2113**, In memory of educator, sports announcer, and radio host Paul J. Strelzin of El Paso.

**HR 2113** was unanimously adopted by a rising vote.

On motion of Representative Márquez, the names of all the members of the house were added to **HR 2113** as signers thereof.

(Speaker pro tempore in the chair)

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

S. King on motion of Anderson.

### LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption), and the following resolutions were laid before the house on committee report:

**HB 2139** (by Dutton), A bill to be entitled An Act relating to the authority of the Near Northside Management District to undertake tax increment financing.

**CSHB 3860** (by Dutton), A bill to be entitled An Act relating to the creation of the Generation Park Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**Amendment No. 1**

Representative Dutton offered the following amendment to **CSHB 3860**:

Amend **CSHB 3860** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 375, Local Government Code, is amended by adding Section 375.0923 to read as follows:

Sec. 375.0923. NOTICE TO LEGISLATOR OF DISTRICT ACTION. A district may not take any action authorized under Sections 375.092(c) through (n) unless the board first sends written notice describing the action to each state senator and state representative who represents a legislative district in which any part of the district is located.

SECTION \_\_\_\_\_. The change in law made by Section 375.0923, Local Government Code, as added by this Act, applies only to an action of a municipal management district taken on or after September 1, 2013.

Amendment No. 1 was adopted.

**CSHB 3877** (by Pitts), A bill to be entitled An Act relating to the powers and duties of the Ellis County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose taxes.

**CSHB 3895** (by Toth), A bill to be entitled An Act relating to the name of The Woodlands Road Utility District No. 1, of Montgomery County, Texas, and to the administration, powers, and duties of the district.

**HB 3898** (by Hilderbran), A bill to be entitled An Act relating to water districts in Bandera County.

**HB 3898 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HILDERBRAN: **HB 3898** codifies the enabling act for the Bandera County River Authority and Springhills Water Management District, both governed by the same board of directors, ("Districts") into a single chapter of the Special District Local Laws Code. The bill combines the two districts into a single district, ratifies the change in name, and moves the board of directors election date to November of even-numbered years.

In 1971, the legislature created the Bandera County River Authority (the "River Authority") which included all of Bandera County, except for territory within two then-existing districts. The River Authority was granted all the "rights, powers, privileges, authority, and duties conferred and imposed by the general laws of this state now in force or hereafter enacted, applicable to water control and improvement districts created under authority of Article XVI, Section 59 of the Texas Constitution." In 1989, the legislature created the Springhills Water Management District (the "Management District"), which included all of Bandera County, including the territory excluded from the River Authority, and authorized the Management District to exercise all the rights and powers of the River Authority, granted the Management District the powers and authority granted to

groundwater conservation districts under then-codified as Texas Water Code, Chapter 52 (but now codified as Chapter 36), and authorized the directors of the Management District to serve as the directors of the River Authority. In 2003, the Texas Commission on Environmental Quality approved a request by the Management District to change the name to Bandera County River Authority and Groundwater District. The District does not currently own any water rights and has never held a permit for surface water rights.

Bexar-Medina-Atascosa Counties WC1D No. 1 ("BMA") owns permits authorizing the installation and operation of dams on the Medina River that form Medina Lake and Diversion Lake, the impoundment of water in those lakes, and the diversion of water for irrigation and municipal use.

It is the legislature's intent that BMA has the right to adopt and enforce its rules on any body of water owned or controlled by BMA, and that nothing in **HB 3898** grants the District any rights or authority to adopt rules over the same body of water owned or controlled by BMA.

**HB 3910** (by Creighton), A bill to be entitled An Act relating to the boundaries of the East Montgomery County Municipal Utility Districts Nos. 6 and 7.

**SB 1862** (Isaac - House Sponsor), in lieu of **HB 3911**, A bill to be entitled An Act relating to the creation of the Crosswinds Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Isaac moved to lay **HB 3911** on the table subject to call, and the motion prevailed.

**HB 3914** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 3924** (by D. Miller), A bill to be entitled An Act relating to the creation of the Comal Trinity Groundwater Conservation District; providing authority to issue bonds; providing authority to impose assessments, fees, or surcharges.

**HB 3932** (by Farney), A bill to be entitled An Act relating to the period for confirmation of the Williamson County Municipal Utility District No. 21.

**CSHB 3941** (by D. Miller), A bill to be entitled An Act relating to the creation of the Comal County Water Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**HB 3943** (by S. Davis), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 537; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**HB 3947** (by Dutton), A bill to be entitled An Act relating to the powers and duties of the Harris County Municipal Utility District No. 402 regarding road projects.

**SB 50** (Guillen - House Sponsor), A bill to be entitled An Act relating to the Children's Policy Council, including the composition of the council.

**CSSB 111** (Lucio - House Sponsor), A bill to be entitled An Act relating to the designation of Texas Historical Use Buildings.

**SB 129** (Lewis - House Sponsor), A bill to be entitled An Act relating to proper venue for filing an application for a protective order against family violence.

**SB 130** (Lewis - House Sponsor), A bill to be entitled An Act relating to representation by prosecuting attorneys in proceedings for protective orders against family violence and in certain other actions.

**SB 131** (Smith - House Sponsor), A bill to be entitled An Act relating to the hours of sale and consumption of wine at a winery. (Flynn and Zedler recorded voting no.)

**CSSB 148** (Toth - House Sponsor), A bill to be entitled An Act relating to certain legal advice or legal services rendered to certain public servants.

**SB 165** (Creighton - House Sponsor), A bill to be entitled An Act relating to the issuance of specialty license plates to officers of the United States armed forces who graduated from certain United States military academies.

**SB 183** (Sheets - House Sponsor), A bill to be entitled An Act relating to certain inquiries made by the Texas Department of Insurance to insurers.

#### **SB 183 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ASHBY: Representative Sheets, is it correct that this and other bills this session have amended the law to provide for automatic extensions in responding to requests from TDI and that these changes are in no way an expression of the intent of this legislature to prevent the department from granting further extensions or waivers if they determine that it is appropriate?

REPRESENTATIVE SHEETS: Yes, that's correct.

#### **REMARKS ORDERED PRINTED**

Representative Ashby moved to print remarks between Representative Sheets and Representative Ashby.

The motion prevailed.

**SB 194** (Coleman - House Sponsor), A bill to be entitled An Act relating to ingress and egress for access by emergency vehicles and for use during evacuations in certain new residential subdivisions. (Sanford recorded voting no.)

**SB 260** was deferred until the end of today's local, consent, and resolutions calendar.

**SB 322** (Toth - House Sponsor), A bill to be entitled An Act relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 102.

**SB 323** (Toth - House Sponsor), A bill to be entitled An Act relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 104.

**SB 324** (Toth - House Sponsor), A bill to be entitled An Act relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 117.

**SB 328** (Gonzales - House Sponsor), A bill to be entitled An Act relating to entrepreneurs-in-residence at state agencies. (Krause, Simpson, and Stickland recorded voting no.)

**CSSB 355** (Lewis - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Title IV-D agency regarding the establishment, collection, and enforcement of child support and in connection with an application for a marriage license or protective order; authorizing a surcharge. (Burkett recorded voting no.)

**SB 426** (Zerwas - House Sponsor), A bill to be entitled An Act relating to a home visiting program for at-risk families. (Krause, Schaefer, Simpson, and Stickland recorded voting no.)

**SB 435** (Cortez, Branch, Burnam, and Alvarado - House Sponsors), A bill to be entitled An Act relating to the payment of tuition for public high school students who participate in college credit programs. (Flynn and Zedler recorded voting no.)

**SB 529** (Oliveira - House Sponsor), A bill to be entitled An Act relating to the creation of the offense of installation, transfer, use, or possession of an automated sales suppression device or phantom-ware.

**CSSB 540** (Smith - House Sponsor), A bill to be entitled An Act relating to the regulation, registration, and certification of inspectors for elevators, escalators, and related equipment. (Phillips, Sanford, Schaefer, and Simpson recorded voting no.)

**SB 581** (Villarreal - House Sponsor), A bill to be entitled An Act relating to procedures for securing the deposit of public funds.

**SB 630** (Naishtat - House Sponsor), A bill to be entitled An Act relating to certain obligations of and limitations on residential landlords. (Schaefer recorded voting no.)

**SB 634** (Collier - House Sponsor), A bill to be entitled An Act relating to regulating faulty on-site sewage disposal systems in the unincorporated areas of a county as a public nuisance; providing a criminal penalty. (Sanford recorded voting no.)

**SB 703** (E. Thompson - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Brazoria County Municipal Utility District No. 39; providing authority to impose a tax or fee and issue bonds.

**SB 704** (E. Thompson - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Brazoria County Municipal Utility District No. 35; providing authority to impose a tax or fee and issue bonds.

**SB 705** (E. Thompson - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Brazoria County Municipal Utility District No. 40; providing authority to impose taxes and fees and issue bonds.

**SB 801** (Sheets - House Sponsor), A bill to be entitled An Act relating to security deposit requirements for certain insurance companies.

**SB 828** (Guillen - House Sponsor), A bill to be entitled An Act relating to the marketing of certain alcoholic beverages by manufacturers and their agents; providing for a permitting fee. (Flynn, Sanford, Schaefer, and Zedler recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 853** (Sheets - House Sponsor), A bill to be entitled An Act relating to notice of a premium increase for certain health insurance policies.

**SB 985** (Isaac - House Sponsor), A bill to be entitled An Act relating to authorizing broker agreements for the sale of real property by certain municipalities.

**SB 1008** (Anderson - House Sponsor), A bill to be entitled An Act relating to the business, supervision, and regulation of state savings and loan associations and state savings banks; providing a criminal penalty. (Krause, Schaefer, and Stickland recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1060** (Zerwas - House Sponsor), A bill to be entitled An Act relating to family cost share provisions in the early childhood intervention program.

**SB 1096** (Muñoz - House Sponsor), A bill to be entitled An Act relating to the monthly fee a defendant must pay during a period of community supervision. (Flynn, Phillips, and Zedler recorded voting no.)

**SB 1134** (Elkins and Reynolds - House Sponsors), A bill to be entitled An Act relating to the duties of the Department of Information Resources regarding cybersecurity. (Schaefer recorded voting no.)

**SB 1423** (Hunter - House Sponsor), A bill to be entitled An Act relating to validating certain acts of the Lower Nueces River Water Supply District transferring real property rights.

**SB 1532** (E. Rodriguez - House Sponsor), A bill to be entitled An Act relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

**SCR 20** (Anderson - House Sponsor), Designating the first week of May as Texas Bison Week for a 10-year period beginning in 2013.

**SCR 26** (J. Davis - House Sponsor), Designating November as COPD Awareness Month for a 10-year period beginning in 2013, and directing the Texas Department of State Health Services to include COPD as a chronic health condition in their public awareness and educational efforts.

**CSHB 3914** (by Sanford), A bill to be entitled An Act relating to the creation of the Old Celina Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose an assessment or fee.

**SB 260** (Stickland, Sheets, Krause, and Pickett - House Sponsors), A bill to be entitled An Act relating to the absence of a student from school to visit with a parent or guardian who will be or has been deployed on military duty.

### **Amendment No. 1**

Representative Collier offered the following amendment to **SB 260**:

Amend **SB 260** (house committee printing) as follows:

- (1) On page 1, lines 9-10, between "parent" and "or", insert ", stepparent,".
- (2) On page 1, line 13, between "parent" and "or", insert ", stepparent,".
- (3) On page 1, line 14, between "parent" and "or", insert ", stepparent,".

Amendment No. 1 was adopted.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Investments and Financial Services, upon first adjournment today, Desk 127, for a formal meeting, to consider pending business.

Economic and Small Business Development, upon first adjournment today, Desk 10, for a formal meeting, to consider pending business.

Elections, upon first adjournment today, Desk 86, for a formal meeting, to consider pending business.

Special Purpose Districts, upon first adjournment today, Desk 1, for a formal meeting, to consider **HB 3954**, **SB 1098**, **SB 1116**, **SB 1601**, **SB 1906**, and **SB 1910**.

Natural Resources, upon first adjournment today, 1W.14, for a formal meeting, to consider **HB 3945**, **SB 168**, **SB 272**, **SB 281**, **SB 302**, **SB 364**, **SB 454**, **SB 662**, **SB 837**, **SB 856**, **SB 873**, **SB 918**, **SB 1031**, **SB 1086**, **SB 1162**, **SB 1163**, **SB 1169**, **SB 1282**, **SB 1385**, **SB 1387**, **SB 1482**, **SB 1823**, **SB 1854**, and pending business.

Ways and Means, upon first adjournment today, Desk 9, for a formal meeting, to consider **SB 193**, **SB 551**, **SB 656**, **SB 843**, **SB 1255**, and pending business.

### **ADJOURNMENT**

Representative Ashby moved that the house adjourn until 12:30 p.m. today.

The motion prevailed.

The house accordingly, at 11:25 a.m., adjourned until 12:30 p.m. today.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**SB 1459** to Pensions.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 29**

**HB 458, HB 525, HB 535, HB 839, HB 1061, HB 1238, HB 1600, HB 1844, HB 2311, HB 2738, HJR 79**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE**

SENATE CHAMBER

Austin, Texas

Tuesday, May 14, 2013 - 1

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**SB 1459** Duncan

Relating to the powers and duties of and contributions to and benefits from the systems and programs administered by the Employees Retirement System of Texas.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

